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*09/435,274*



001.00301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Citovsky et al. )  
Serial No.: 09/435,274 ) Examiner: D. Lamberston  
Filed: November 5, 1999 ) Art Unit: 1636  
For: GENETIC ASSAY FOR PROTEIN )  
NUCLEAR TRANSPORT )

**DECLARATION UNDER 37 CFR § 1.131**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

1. I, Karla M. Weyand, am the registered patent attorney handling prosecution of the above-identified patent application.

2. Claims 1-33 and 35 of the above-identified patent application have been rejected under 35 U.S.C § 102(a) as anticipated by WO98/49284 to Ueki et al. ("Ueki").

3. Ueki was filed as International Application PCT/JP98/01936 on April 27, 1998 and published on November 5, 1998. Accordingly, the available effective date of Ueki as a reference against the above-identified patent application is November 5, 1998.

4. The above-identified patent application was filed on November 5, 1999, claiming priority to U.S. Provisional Patent Application No. 60/107,417, filed on November 6, 1998.

5. The invention covered by the claims of the above-identified patent application was reduced to practice before November 5, 1998 (i.e. prior to the effective date of Ueki).

6. As evidence of the reduction to practice, attached hereto as Exhibit A is a letter from the assignee of

*Considered*  
*Jf 5/24/04*